

AMENDMENTS TO LB 1071

(Amendments to Standing Committee amendments, AM2103)

Introduced by Adams, 24.

1 1. Insert the following new sections:

2 Sec. 4. Section 79-2,136, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 79-2,136 Each school board shall allow the part-time
5 enrollment of students who are residents of the school district
6 pursuant to ~~subsection (1)~~ subsections (1) and (2) of section
7 79-215 and who are also enrolled in a private, denominational,
8 or parochial school or in a school which elects pursuant to
9 section 79-1601 not to meet accreditation or approval requirements
10 and shall establish policies and procedures for such part-time
11 enrollment. Such policies and procedures may include provisions
12 permitting the part-time enrollment of such students who are
13 not residents of such school districts and may require part-time
14 students to follow school policies that apply to other students at
15 any time the part-time student is present on school grounds or at
16 a school-sponsored activity or athletic event. Part-time enrollment
17 shall not entitle a student to transportation or transportation
18 reimbursements pursuant to section 79-611. Nothing in this section
19 shall be construed to exempt any student from the compulsory
20 attendance provisions of sections 79-201 to 79-207.

21 Sec. 5. Section 79-318, Revised Statutes Supplement,
22 2009, is amended to read:

1 79-318 The State Board of Education shall:

2 (1) Appoint and fix the compensation of the Commissioner
3 of Education;

4 (2) Remove the commissioner from office at any time for
5 conviction of any crime involving moral turpitude or felonious act,
6 for inefficiency, or for willful and continuous disregard of his or
7 her duties as commissioner or of the directives of the board;

8 (3) Upon recommendation of the commissioner, appoint and
9 fix the compensation of a deputy commissioner and all professional
10 employees of the board;

11 (4) Organize the State Department of Education into such
12 divisions, branches, or sections as may be necessary or desirable
13 to perform all its proper functions and to render maximum service
14 to the board and to the state school system;

15 (5) Provide, through the commissioner and his or her
16 professional staff, enlightened professional leadership, guidance,
17 and supervision of the state school system, including educational
18 service units. In order that the commissioner and his or her
19 staff may carry out their duties, the board shall, through the
20 commissioner: (a) Provide supervisory and consultation services
21 to the schools of the state; (b) issue materials helpful in the
22 development, maintenance, and improvement of educational facilities
23 and programs; (c) establish rules and regulations which govern
24 standards and procedures for the approval and legal operation
25 of all schools in the state and for the accreditation of all
26 schools requesting state accreditation. All public, private,
27 denominational, or parochial schools shall either comply with

1 the accreditation or approval requirements prescribed in this
2 section and section 79-703 or, for those schools which elect not
3 to meet accreditation or approval requirements, the requirements
4 prescribed in subsections (2) through (6) of section 79-1601.
5 Standards and procedures for approval and accreditation shall
6 be based upon the program of studies, guidance services, the
7 number and preparation of teachers in relation to the curriculum
8 and enrollment, instructional materials and equipment, science
9 facilities and equipment, library facilities and materials, and
10 health and safety factors in buildings and grounds. Rules and
11 regulations which govern standards and procedures for private,
12 denominational, and parochial schools which elect, pursuant to the
13 procedures prescribed in subsections (2) through (6) of section
14 79-1601, not to meet state accreditation or approval requirements
15 shall be as described in such section; (d) institute a statewide
16 system of testing to determine the degree of achievement and
17 accomplishment of all the students within the state's school
18 systems if it determines such testing would be advisable;
19 (e) prescribe a uniform system of records and accounting for
20 keeping adequate educational and financial records, for gathering
21 and reporting necessary educational data, and for evaluating
22 educational progress; (f) cause to be published laws, rules, and
23 regulations governing the schools and the school lands and funds
24 with explanatory notes for the guidance of those charged with the
25 administration of the schools of the state; (g) approve teacher
26 education programs conducted in Nebraska postsecondary educational
27 institutions designed for the purpose of certificating teachers

1 and administrators; (h) approve ~~teacher~~ certificated-employee
2 evaluation policies and procedures developed by school districts
3 and educational service units; and (i) approve general plans and
4 adopt educational policies, standards, rules, and regulations for
5 carrying out the board's responsibilities and those assigned to the
6 State Department of Education by the Legislature;

7 (6) Adopt and promulgate rules and regulations for
8 the guidance, supervision, accreditation, and coordination of
9 educational service units. Such rules and regulations for
10 accreditation shall include, but not be limited to, (a) a
11 requirement that programs and services offered to school districts
12 by each educational service unit shall be evaluated on a regular
13 basis, but not less than every seven years, to assure that
14 educational service units remain responsive to school district
15 needs and (b) guidelines for the use and management of funds
16 generated from the property tax levy and from other sources of
17 revenue as may be available to the educational service units,
18 to assure that public funds are used to accomplish the purposes
19 and goals assigned to the educational service units by section
20 79-1204. The State Board of Education shall establish procedures to
21 encourage the coordination of activities among educational service
22 units and to encourage effective and efficient educational service
23 delivery on a statewide basis;

24 (7) Submit a biennial report to the Governor and the
25 Clerk of the Legislature covering the actions of the board, the
26 operations of the State Department of Education, and the progress
27 and needs of the schools and recommend such legislation as may be

1 necessary to satisfy these needs;

2 (8) Prepare and distribute reports designed to acquaint
3 school district officers, teachers, and patrons of the schools with
4 the conditions and needs of the schools;

5 (9) Provide for consultation with professional educators
6 and lay leaders for the purpose of securing advice deemed necessary
7 in the formulation of policies and in the effectual discharge of
8 its duties;

9 (10) Make studies, investigations, and reports and
10 assemble information as necessary for the formulation of policies,
11 for making plans, for evaluating the state school program, and for
12 making essential and adequate reports;

13 (11) Submit to the Governor and the Legislature a
14 budget necessary to finance the state school program under its
15 jurisdiction, including the internal operation and maintenance of
16 the State Department of Education;

17 (12) Interpret its own policies, standards, rules, and
18 regulations and, upon reasonable request, hear complaints and
19 disputes arising therefrom;

20 (13) With the advice of the Department of Motor Vehicles,
21 adopt and promulgate rules and regulations containing reasonable
22 standards, not inconsistent with existing statutes, governing: (a)
23 The general design, equipment, color, operation, and maintenance
24 of any vehicle with a manufacturer's rated seating capacity of
25 eleven or more passengers used for the transportation of public,
26 private, denominational, or parochial school students; and (b)
27 the equipment, operation, and maintenance of any vehicle with a

1 capacity of ten or less passengers used for the transportation of
2 public, private, denominational, or parochial school students, when
3 such vehicles are owned, operated, or owned and operated by any
4 public, private, denominational, or parochial school or privately
5 owned or operated under contract with any such school in this
6 state, except for vehicles owned by individuals operating a school
7 which elects pursuant to section 79-1601 not to meet accreditation
8 or approval requirements. Similar rules and regulations shall be
9 adopted and promulgated for operators of such vehicles as provided
10 in section 79-607;

11 (14) Accept, on behalf of the Nebraska Center for the
12 Education of Children who are Blind or Visually Impaired, devises
13 of real property or donations or bequests of other property, or
14 both, if in its judgment any such devise, donation, or bequest
15 is for the best interest of the center or the students receiving
16 services from the center, or both, and irrigate or otherwise
17 improve any such real estate when in the board's judgment it would
18 be advisable to do so; and

19 (15) Upon acceptance of any devise, donation, or bequest
20 as provided in this section, administer and carry out such devise,
21 donation, or bequest in accordance with the terms and conditions
22 thereof. If not prohibited by the terms and conditions of any such
23 devise, donation, or bequest, the board may sell, convey, exchange,
24 or lease property so devised, donated, or bequeathed upon such
25 terms and conditions as it deems best and remit all money derived
26 from any such sale or lease to the State Treasurer for credit to
27 the State Department of Education Trust Fund.

1 Each member of the Legislature shall receive a copy of
2 the report required by subdivision (7) of this section by making a
3 request for it to the commissioner.

4 None of the duties prescribed in this section shall
5 prevent the board from exercising such other duties as in its
6 judgment may be necessary for the proper and legal exercise of its
7 obligations.

8 Sec. 37. Section 86-505, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 86-505 Enterprise means ~~the entirety of all~~ one or
11 more departments, offices, boards, bureaus, commissions, or
12 institutions ~~in~~ of the state for which money is to be appropriated
13 for communications or data processing services, equipment, or
14 facilities, including all executive, legislative, and judicial
15 departments, the Nebraska state colleges, the University of
16 Nebraska, and all other state institutions and entities.

17 2. On page 30, strike beginning with "prioritizing" in
18 line 6 through "education" in line 8, show as stricken, and insert
19 "scheduling courses brokered by the council"; strike lines 11
20 through 13 and show as stricken; in line 14 strike "services;" and
21 show the old matter as stricken; in line 16 strike "(9)", show as
22 stricken, and insert "(8)" and in line 21 strike "(10)", show as
23 stricken, and insert "(9)".

24 3. Amend the operative date and repealer sections so that
25 section 4 added by this amendment becomes operative three calendar
26 months after adjournment of this legislative session and sections 5
27 and 37 added by this amendment become operative on their effective

- 1 date with the emergency clause.
- 2 4. Renumber the remaining sections and correct internal
- 3 references accordingly.